

## Department of Defense

239.7302

(a) The required protections, *i.e.*, an established National TEMPEST standard (*e.g.*, NACSEM 5100, NACSIM 5100A) or a standard used by other authority;

(b) The required identification markings to include markings for TEMPEST or other standard, certified equipment (especially if to be reused);

(c) Inspection and acceptance requirements addressing the validation of compliance with TEMPEST or other standards; and

(d) A date through which the accreditation is considered current for purposes of the proposed contract.

### 239.7103 Contract clause.

Use the clause at 252.239-7000, Protection Against Compromising Emanations, in solicitations and contracts involving information technology that requires protection against compromising emanations.

## Subpart 239.72—Standards

### 239.7200 Scope of subpart.

This subpart contains guidance for implementing—

(a) Federal Information Processing Standards (FIPS); and

(b) Federal Telecommunications Standards (FED-STD).

### 239.7201 [Reserved]

### 239.7202 Waivers.

(a) The Secretary of Commerce has delegated to the Secretary of Defense the authority to waive FIP standards, in accordance with procedures established by the Secretary of Commerce. The Secretary of Defense redelegated that waiver authority to the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C3I)). The ASD(C3I) has redelegated to the senior information technology official of each military department the authority to approve waivers to FIP standards that are applicable to military department requirements. Waivers to FIP standards that are applicable to the requirements of DoD components outside the military departments must be approved by the ASD(C3I).

(b) Contracting officers shall ensure that all applicable FIP standards are

incorporated into solicitations, except for those FIP standards for which the requiring activity has obtained a waiver from the appropriate military department or DoD senior information technology official.

(c) As part of the Commerce Business Daily synopsis of a solicitation, contracting officers shall publish a notice of any determinations to waive any FIP standards that are applicable to the solicitation. If the waiver determination is made after the notice of the solicitation is published, the contracting officer shall amend the notice to announce the waiver determination.

[56 FR 36429, July 31, 1991, as amended at 62 FR 1060, Jan. 8, 1997]

## Subpart 239.73—Acquisition of Automatic Data Processing Equipment by DoD Contractors

### 239.7300 Scope of subpart.

This subpart prescribes approval requirements for automatic data processing equipment (ADPE) purchased by contractors for use in performing DoD contracts.

[62 FR 9376, Mar. 3, 1997]

### 239.7301 Applicability.

(a) This subpart applies when the contractor purchases ADPE and title will pass to the Government.

(b) This subpart does not apply to ADPE acquired as a component of an end item.

[56 FR 36429, July 31, 1991, as amended at 62 FR 9376, Mar. 3, 1997]

### 239.7302 Approvals and screening.

(a) The requirements of this section highlight the redistribution requirements of the Defense Automation Resources Management Manual, and are in addition to those at FAR 45.302.

(b) If the contractor proposes acquiring ADPE subject to 239.7301, and the unit acquisition cost is \$50,000 or more—

(1) The contracting officer shall require the contractor to submit, through the administrative contracting officer, the documentation in 239.7303.

(2) The administrative contracting officer—

(i) Submits a request for screening the requirement against the pool of Government-owned ADPE to determine if available excess equipment could satisfy the contractor's needs. The request should include the contractor's supporting documentation. The request is sent to—

Defense Information Systems Agency, Chief Information Officer, Defense Automation Resources Management Program Division, Attn: DSPD, 701 South Courthouse Road, Arlington, VA 22204-2199; or

(ii) Uses the Defense Information Technology Management System (DITMS) to screen on-line. System access may be requested from the Defense Information Systems Agency, Chief Information Officer, Defense Automation Resources Management Program (DARMP) Division. Customers may apply for a DITMS Account Number by contacting the DITMS Help Desk at (703) 681-2400; DSN 761-2400; FAX (703) 681-2875; or via the Internet at <https://ditms.disa.mil>.

(iii) Documents the result of the System query.

(iv) Upon receipt of and based on screening results from DARMP, advises the contractor that excess ADPE—

(A) Is available pursuant to the Defense Automation Resources Management Manual; or

(B) Is not available and the contractor may proceed with acquisition of the equipment.

(3) The contracting officer—

(i) Reviews the contractor's documentation;

(ii) Decides whether to authorize the acquisition; and

(iii) Advises—

(A) The contractor if authorization is not granted; and

(B) The administrative contracting officer if authorization is granted.

[56 FR 36429, July 31, 1991, as amended at 62 FR 1060, Jan. 8, 1997; 62 FR 9376, Mar. 3, 1997; 62 FR 34127, June 24, 1997; 68 FR 7440, Feb. 14, 2003; 68 FR 15380, Mar. 31, 2003]

#### **239.7303 Contractor documentation.**

Contracting officers may tailor the documentation requirements in paragraphs (a) through (d) of this section.

(a) *List of existing ADPE and an analysis of its use.* (1) List of each component identified by manufacturer, type, model number, location, date of installation, and how acquired (lease, purchase, Government-furnished). Identify those acquired specifically to perform a Government contract.

(2) Reliability and usage data on each component for the past 12 months.

(3) Identification of users supported by each component, including how much time each user requires the component and the related contract or task involved.

(b) *List of new ADPE needed and reasons why it is needed.* (1) Estimates of the new equipment's useful life.

(2) List of tasks the new equipment is needed for and why, including estimated monthly usage for each major task or project.

(3) Anticipated software and telecommunications requirements.

(c) *Selection of computer equipment.* (1) If the acquisition is competitive—

(i) List sources solicited and proposals received;

(ii) Show how the evaluation was performed; and

(iii) Provide an explanation if the selected offer is not the lowest evaluated offer.

(2) If the acquisition is not competitive, state why.

(d) *Cost.* State the ADPE cost.

[62 FR 9376, Mar. 3, 1997]

### **Subpart 239.74— Telecommunications Services**

#### **239.7400 Scope.**

This subpart prescribes policy and procedures for acquisition of telecommunications services and maintenance of telecommunications security. Telecommunications services may also meet the definition of information technology.

[62 FR 1060, Jan. 8, 1997]

#### **239.7401 Definitions.**

As used in this subpart—

(a) *Common carrier* means any entity engaged in the business of providing telecommunications services which are